

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Chou, David Teh-Wei  
Serial No. : 10/506,356  
For : 5-Substituted-Alkylaminopyrazole Derivatives as Pesticides  
Filed : March 14, 2005  
Art Unit : 1626  
Confirmation No. : 3196  
Examiner : Saeed, Kamal A.

3239 Satellite Blvd., Duluth, Georgia 30096-4640  
745 Fifth Avenue, New York, New York 10151

Filed via EFS-WEB  
on November 7, 2008

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This paper is supplemental to the enclosed response, and is being filed in response to the Office Action mailed September 8, 2008 without any prejudice, admission, surrender of subject matter, or any intention of creating any estoppel as to equivalents.

I, Thomas J. Kowalski, declare that I am an attorney of record and that I am authorized to execute terminal disclaimers on behalf of Merial Ltd. ("Merial") pursuant to 37 C.F.R. § 1.321(b)(1)(iv) for the above-captioned application ("the present application") and U.S. Patent Application No. 10/570,136 ("the '136 application");

That Merial is the assignee of the entire right, title and interest in the '136 application by virtue of the assignment as set out at Reel 019990 and Frame 0104, where said assignment was recorded at the U.S. Patent and Trademark Office on 10/19/2007;

That Merial is the assignee of the entire right, title and interest in, to and under the present application by virtue of the assignment as set out at Reel 020914 and Frame 0405, where said assignment was recorded at the U.S. Patent and Trademark Office on 5/7/2008;

That Merial hereby disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of any patent granted on the '136 application;

That Merial hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '136 application, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of the '136 application, in the event that said '136 application earlier expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

That no terminal part of any patent granted on the present application is disclaimed in the event that no patent is granted on the present application;

In accordance with 37 C.F.R. § 3.73(b), the undersigned agent of record is empowered to sign this Statement on behalf of the assignee, and thus, that the undersigned has reviewed documents in the chain of title of the patent applications identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above;

This paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents;

Entry and recordation of this Terminal Disclaimer is earnestly solicited. A fee of \$130.00 is believed to be due. The Commissioner is hereby authorized to charge any additional required fee for this paper, or to credit any overpayment in fees, to Deposit Account No. 50-0320.

It is also noted that this paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

Respectfully submitted,  
MERIAL LTD.  
FROMMER LAWRENCE & HAUG LLP

By: Thomas J. Kowalski  
Judy Jarecki-Black, Ph.D.  
Reg. No. 44,170  
Tel. No. (678) 638-3805  
Fax No. (678) 638-3350

Thomas J. Kowalski  
Reg. No. 32,147  
Deborah L. Lu, Ph.D.  
Reg. No. 50,940  
Tel. No. (212) 588-0800  
Fax No. (212) 588-0500

my: Deborah L. Lu  
Reg. No. 50,940